IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY
WRIT PETITION NO : 5440 of 1993

Between:

Fishermen's Coop. Society Singotam rep.by its President T.Erranna, Singotam Village, Kollapur Mandal Mahabubnagar District

..... PETITIONER

AND

1 The Government of Andhra Pradesh rep. by its Principal Secretary, Animal Husbandary & Fisheries (Fish.II) Department, Secretariat Buildings, Hyderabad.
2 The Commissioner of Fisheries, Govt. of A.P., at Tankbund, Hyderabad.
3 The Regional Deputy Director Fisheries, Zone-VI, Hyderabad.
4 The Asst. Director of Fisheries, Ex.Officio Deputy Registrar of Coop. Societies (Fisheries), Mahabubnagar.
5 Sri Guvvala Pullaiah Member F.C.S. Singotam Kalwakole Post, Kollapur via, Mahabubnagar Dist.
6 The Joint Director of Fisheries (Inland) Tank Bund, Hyderabad.
7 The Additional Director of Fisheries, Tank Bund, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of certiorari after calling for the records from the 1st respondent relating to Memo No.44224/Fish.II/P1/92-11, Dt.13/4/1993 and Memo No. 44224/Fish.I/P1/92-15, Dt.17/4/1993 and Rc.No.1947/E/85, Dt.17/4/1993 issued by the 1st and 4th respondent and quash the same.

For the Petitioner: MR. B.SAI RAM GOUD, Advocate

For the Respondent Nos. 1 to 4, 6 & 7 : The Government Pleader for Cooperation

For Respondent No. 5: Mr. K. Mahipathi Rao, Advocate

The Court made the following Order :

The orders of the revisional authority-Government of Andhra Pradesh dated 13.4.1993 as well as 17.4.1993 do not suffer from any legal or factual infirmities requiring this Court's interference in exercise of its jurisdiction under Article 226 of the Constitution of India.

The revisional authority having taken the relevant facts and the previous litigation between the parties directed the Regional Deputy Director (Fisheries) Hyderabad to take further steps so as to give finality to the issue relating to the enrollment of fishermen of Kalwakole as Members of Fishermen Cooperative Society, Singotam. That pending such decision, directions were issued to make necessary arrangements for catching of fish and its sale departmentally by engaging the active fishermen irrespective of residence on daily wages and deposit the sale proceeds in the cooperative bank under the joint account as earlier directed.

The revisional authority in clear and categorical terms recorded a finding that the claim of fishermen of Kalwakole village to be the Members of Fishermen Cooperative Society, Singotam is genuine inasmuch as all of them were traditionally catching fish in Srivari Samudram tank of Singotam Village as evidenced by the agreement entered into by all the concerned on 4.4.1969. It is under those circumstances appropriate directions have been issued to change the bye-laws and admit the fishermen of Kalwakole Village as members of the Fishermen Cooperative Society, Singotam. The decision appears

to have been taken in the best possible interest of the fishermen of the Kalwakole as well as Singotam villages. That all the authorities have concurrently found the claim of the fishermen of Kalwakole to be a genuine one and accordingly directed their enrolment as Members in the Fishermen Cooperative Society, Singotam by duly amending the bye-laws of the cooperative societies. The impugned orders do not suffer from any errors apparent on the face of the record requiring this Court's interference in exercise of its Certiorari jurisdiction. The averments made in the affidavit filed in support of the writ petition are totally vague and indefinite and no factual foundation as such is laid calling for any interference by this Court.

For the aforesaid reasons, I find no merit in this writ petition. The same shall accordingly stand dismissed. No costs.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

ks

One fair copy to the Hon'ble Mr. Justice B. Sudershan Reddy
(for his lordship's kind perusal).

To

1 The Principal Secretary, Animal Husbandary & Fisheries (Fish.II) Department, the Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2 The Commissioner of Fisheries, Govt. of A.P., at Tankbund, Hyderabad.
3 The Regional Deputy Director Fisheries, Zone-VI, Hyderabad.
4 The Asst. Director of Fisheries, Ex.Officio Deputy Registrar of Coop. Societies (Fisheries), Mahabubnagar.
5 The Joint Director of Fisheries (Inland) Tank Bund, Hyderabad.

6 The Additional Director of Fisheries Tank Bund, Hyderabad.
7 2 CCs to the Government Pleader for Cooperation, High Court Buildings, High Court, Hyderabad (OUT).
8 2 CD copies.